



[4910-EX-P]

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-1999-6156; FMCSA-1999-6480; FMCSA-2003-16241; FMCSA-2003-16564; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2005-22727; FMCSA-2005-23099; FMCSA-2005-23238; FMCSA-2006-23773; FMCSA-2007-0071; FMCSA-2007-27897; FMCSA-2009-0011; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2011-0024; FMCSA-2011-0141; FMCSA-2011-0142; FMCSA-2011-0275; FMCSA-2011-0298; FMCSA-2011-0324; FMCSA-2011-0365; FMCSA-2011-0366; FMCSA-2011-0378; FMCSA-2013-0029; FMCSA-2013-0166; FMCSA-2013-0167; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2015-0070; FMCSA-2015-0071; FMCSA-2015-0072; FMCSA-2015-0344; FMCSA-2015-0345; FMCSA-2015-0347; FMCSA-2015-0348; FMCSA-2015-0350; FMCSA-2015-0351; FMCSA-2017-0022; FMCSA-2017-0024; FMCSA-2017-0026; FMCSA-2017-0028; FMCSA-2018-0006]

### **Qualification of Drivers; Exemption Applications; Vision**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 95 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation**

**A. Viewing Documents and Comments**

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA-1999-6156; FMCSA-1999-6480; FMCSA-2003-16241; FMCSA-2003-16564; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2005-22727; FMCSA-2005-23099; FMCSA-2005-23238; FMCSA-2006-23773; FMCSA-2007-0071; FMCSA-2007-27897; FMCSA-2009-0011; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2011-0024; FMCSA-2011-0141; FMCSA-2011-0142; FMCSA-2011-0275; FMCSA-2011-0298; FMCSA-2011-0324; FMCSA-2011-0365; FMCSA-2011-0366; FMCSA-2011-0378; FMCSA-2013-0029; FMCSA-2013-0166; FMCSA-2013-0167; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2015-0070; FMCSA-2015-0071; FMCSA-2015-0072; FMCSA-2015-0344; FMCSA-2015-

0345; FMCSA-2015-0347; FMCSA-2015-0348; FMCSA-2015-0350; FMCSA-2015-0351; FMCSA-2017-0022; FMCSA-2017-0024; FMCSA-2017-0026; FMCSA-2017-0028; FMCSA-2018-0006, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Docket Operations.

**B. Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.transportation.gov/privacy](http://www.transportation.gov/privacy).

**II. Background**

On March 5, 2020, FMCSA published a notice announcing its decision to renew exemptions for 95 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (85 FR 12959). The public comment period ended on April 6, 2020, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation § 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in § 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

### **III. Discussion of Comments**

FMCSA received no comments in this proceeding.

### **IV. Conclusion**

Based on its evaluation of the 95 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in § 391.41(b)(10).

As of April 1, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 25 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (70 FR 48797; 70 FR 61493; 71 FR 4194; 71 FR 13450; 72 FR 54971; 73 FR 6242; 73 FR 9158; 73 FR 16950; 74 FR 49069; 74 FR 65842; 75 FR 9477; 75 FR 9482; 75 FR 9484; 76 FR 17481;

76 FR 28125; 76 FR 53710; 76 FR 62143; 76 FR 70212; 76 FR 75943; 77 FR 3552;  
 77 FR 10604; 77 FR 10606; 77 FR 13689; 77 FR 13691; 78 FR 24300; 78 FR 34143;  
 78 FR 52602; 78 FR 64271; 79 FR 1908; 79 FR 2748; 79 FR 6993; 79 FR 10619; 79 FR  
 12565; 79 FR 14328; 79 FR 14331; 79 FR 14333; 80 FR 18696; 80 FR 59225; 80 FR  
 63869; 80 FR 70060; 80 FR 76345; 80 FR 80443; 81 FR 1474; 81 FR 16265; 81 FR  
 20433; 81 FR 48493; 81 FR 60117; 82 FR 33542; 82 FR 37504; 82 FR 47309; 82 FR  
 47312; 82 FR 58262; 83 FR 2311; 83 FR 6681; 83 FR 6694; 83 FR 6919; 83 FR 6922;  
 83 FR 6925; 83 FR 15232; 83 FR 18648; 83 FR 24151; 83 FR 24571):

Ronald C. Ashley (GA)	Jonathan E. Burt (VT)	Daryl Carpenter (MD)
Efrain R. Cisneros (CA)	Dana L. Colberg (OR)	Gary W. Ellis (NC)
Roberto Espinosa (FL)	Spencer L. Goard (KY)	Ethan A. Hale (KY)
Trevor M. Hilton (IL)	Ronald E. Howard (PA)	Clifford D. Johnson (VA)
Thomas M. Leadbitter (PA)	Jonathan P. Lovel (IL)	Raul Martinez (FL)
John M. Moore (LA)	Millard F. Neace II (WV)	Harold D. Pressley (TX)
Richard E. Purvenas, Jr. (DE)	William L. Richardson (IN)	Jake F. Richter (KS)
Douglas L. Riddell (CA)	Edward G. Thurston (TX)	William B. Wilson (KY)
George J. Worthington (NY)		

The drivers were included in docket numbers FMCSA-2005-21711; FMCSA-2005-  
 23099; FMCSA-2007-0071; FMCSA-2007-0071; FMCSA-2007-0071; FMCSA-2009-  
 0291; FMCSA-2011-0024; FMCSA-2011-0141; FMCSA-2011-0365; FMCSA-2013-  
 0029; FMCSA-2013-0029; FMCSA-2013-0167; FMCSA-2013-0174; FMCSA-2015-  
 0072; FMCSA-2015-0344; FMCSA-2015-0347; FMCSA-2017-0022; FMCSA-2017-

0024; FMCSA-2017-0026; FMCSA-2017-0026; FMCSA-2017-0028; FMCSA-2017-0028; FMCSA-2017-0028; FMCSA-2017-0028; and FMCSA-2018-0006. Their exemptions are applicable as of April 1, 2020, and will expire on April 1, 2022.

As of April 12, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 35 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 61857; 68 FR 74699; 68 FR 74699; 68 FR 75715; 69 FR 10503; 69 FR 10503; 70 FR 57353; 70 FR 71884; 70 FR 72689; 71 FR 644; 71 FR 4194; 71 FR 4632; 71 FR 6829; 71 FR 6829; 71 FR 13450; 72 FR 39879; 72 FR 52422; 72 FR 71995; 73 FR 5259; 73 FR 8392; 73 FR 9158; 74 FR 49069; 74 FR 65842; 74 FR 65847; 75 FR 1451; 75 FR 8184; 75 FR 9477; 75 FR 9482; 75 FR 9484; 76 FR 49528; 76 FR 61143; 76 FR 64164; 76 FR 70213; 76 FR 75942; 76 FR 79760; 77 FR 541; 77 FR 545; 77 FR 3547; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 7657; 77 FR 10604; 77 FR 10606; 77 FR 13689; 77 FR 13691; 77 FR 17117; 77 FR 17119; 77 FR 22059; 78 FR 62935; 78 FR 63302; 78 FR 64271; 78 FR 64274; 78 FR 67452; 78 FR 74223; 78 FR 76395; 78 FR 76705; 78 FR 77778; 78 FR 77780; 78 FR 78475; 79 FR 1908; 79 FR 2247; 79 FR 2748; 79 FR 10602; 79 FR 10619; 79 FR 12565; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14332; 79 FR 14333; 79 FR 18390; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 79414; 80 FR 80443; 81 FR 6573; 81 FR 11642; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 20433; 81 FR 20435; 81 FR 28136; 81 FR 44680; 81 FR 60117; 83 FR 15195):

Donald J. Bierwirth, Jr. (CT)	Bryan Borrowman (UT)	Eugene Contreras (NM)
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Levi R. Coutcher (WA)	Herman R. Dahmer (MD)	Jim L. Davis (NM)
Michael P. Eisenreich (MN)	Daniel W. Eynon (OH)	Richard P. Frederiksen (WY)
Danny R. Gray (OK)	Keith J. Haaf (VA)	Louis E. Henry, Jr. (KY)
Zion Irizarry (NV)	Kevin Jacoby (NJ)	Tommy R. Jefferies (FL)
Billy R. Jeffries (WV)	Lowell Johnson (MN)	John R. Knott, III (MD)
Curtis M. Lawless (VA)	Herman Martinez (NM)	Brandon J. Michalko (NY)
Michael E. Miles (IL)	Daniel I. Miller (PA)	Robert Mollicone (FL)
Willie L. Parks (CA)	Richard J. Pauxtis (OR)	Rafael Quintero (TX)
Esequiel M. Ramirez-Moreno (TX)	Kent S. Reining (IL)	Roy C. Rogers (WV)
Mark A. Smalls (GA)	Michael A. Terry (IN)	Clifford B. Thompson, Jr. (SC)
Norman J. Watson (NC)	Charles T. Whitehead (NC)	

The drivers were included in docket numbers FMCSA-2003-16241; FMCSA-2003-16564; FMCSA-2003-16564; FMCSA-2005-22194; FMCSA-2005-22727; FMCSA-2005-23099; FMCSA-2007-27897; FMCSA-2009-0291; FMCSA-2009-0291; FMCSA-2009-0291; FMCSA-2009-0291; FMCSA-2009-0291; FMCSA-2011-0142; FMCSA-2011-0275; FMCSA-2011-0298; FMCSA-2011-0324; FMCSA-2011-0324; FMCSA-2011-0365; FMCSA-2011-0366; FMCSA-2011-0366; FMCSA-2013-0166; FMCSA-2013-0167; FMCSA-2013-0167; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0174; FMCSA-2013-0174; FMCSA-2015-0070; FMCSA-2015-0070; FMCSA-2015-0071; FMCSA-2015-0072; FMCSA-2015-0344; FMCSA-2015-0344; FMCSA-2015-0345; and FMCSA-2015-0348. Their exemptions are applicable as of April 12, 2020, and will expire on April 12, 2022.

As of April 14, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 54948; 64 FR 68195; 65 FR 159; 65 FR 20251; 67 FR 10475; 67 FR 17102; 69 FR 8260; 69 FR 17267; 71 FR 4194; 71 FR 5105; 71 FR 6824; 71 FR 6826; 71 FR 13450; 71 FR 16410; 71 FR 19600; 71 FR 19602; 73 FR 11989; 75 FR 1835; 75 FR 9482; 75 FR 13653; 77 FR 17107; 79 FR 18391; 81 FR 20435; 83 FR 15195):

Mark A. Baisden (OH)	Curtis J. Crowston (ND)	Walter R. Hardiman (WV)
Michael W. Jones (IL)	Matthew J. Konecki (MT)	Joseph S. Nix, IV (MO)
Robert V. Sloan (NC)		

The drivers were included in docket numbers FMCSA-1999-6156; FMCSA-1999-6480; FMCSA-2005-23099; FMCSA-2005-23238; FMCSA-2006-23773; and FMCSA-2009-0321. Their exemptions are applicable as of April 14, 2020, and will expire on April 14, 2022.

As of April 16, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 14190; 81 FR 39100; 83 FR 15195):

William H. Brence (SD)	Larry D. Fulk (MO)	Darrell K. Harber (MO)
Robert E. Holbrook (TN)	Maurice L. Kinney (PA)	Richard R. Krafczynski (PA)
Michael S. McHale (PA)	Darin P. Milton (TN)	William J. Powell (KY)



The drivers were included in docket number FMCSA-2015-0350. Their exemptions are applicable as of April 16, 2020, and will expire on April 16, 2022.

As of April 17, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 19749; 77 FR 22838; 79 FR 15794; 81 FR 20435; 83 FR 15195):

Gilberto M. Rosas (AZ) and Kim A. Shaffer (PA)

The drivers were included in docket number FMCSA-2011-0378. Their exemptions are applicable as of April 17, 2020, and will expire on April 17, 2022.

As of April 18, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 10606; 79 FR 22003; 81 FR 28138; 83 FR 15195):

Thomas R. Abbott (TN)	Thomas Benavidez, Jr. (ID)	Daniel Fedder (IL)
Mark La Fleur (MD)	Michael Nichols (GA)	Dino J. Pires (CT)
John B. Theres (IL)	Robert S. Waltz (ME)	

The drivers were included in docket number FMCSA-2014-0002. Their exemptions are applicable as of April 18, 2020, and will expire on April 18, 2022.

As of April 23, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers

(68 FR 74699; 69 FR 10503; 71 FR 6829; 73 FR 6242; 73 FR 15254; 73 FR 16950; 75 FR 20881; 77 FR 17115; 79 FR 17641; 81 FR 20435; 83 FR 15195):

Thomas R. Hedden (IL) and Douglas A. Mendoza (MD)

The drivers were included in docket numbers FMCSA-2003-16564 and FMCSA-2007-0071. Their exemptions are applicable as of April 23, 2020, and will expire on April 23, 2022.

As of April 27, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 9480; 75 FR 22176; 77 FR 17108; 79 FR 17643; 81 FR 20435; 83 FR 15195):

Gerald L. Rush, Jr. (NJ)

The driver was included in docket number FMCSA-2009-0011. The exemption is applicable as of April 27, 2020, and will expire on April 27, 2022.

As of April 28, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 17237; 81 FR 52516; 83 FR 15195):

Lee R. Boykin (TX)	Hugo N. Gutierrez (IN)	William J. Kanaris (NY)
Ronnie L. McHugh (KS)	Donald P. Ruckinger (PA)	Trent Wipf (SD)

The drivers were included in docket number FMCSA-2015-0351. Their exemptions are applicable as of April 28, 2020, and will expire on April 28, 2022.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

**Larry W. Minor,**

*Associate Administrator for Policy.*

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